

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 803

Introduced by Aquilar, 35.

Read first time January 10, 2008

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-107, 32-108,
2 32-114, 32-115, 32-221, 32-302, 32-307, 32-813, 32-816,
3 32-902, 32-907, 32-910, 32-917, 32-918, 32-919, 32-920,
4 32-922, 32-923, 32-925, 32-927, 32-929, 32-933, 32-934,
5 32-937, 32-1503, 32-1504, 32-1508, 32-1512, 32-1528, and
6 32-1532, Reissue Revised Statutes of Nebraska, sections
7 32-101, 32-311.01, 32-314, 32-321, 32-325, 32-807,
8 32-901, 32-915, 32-916, 32-921, 32-936, 32-938, 32-940,
9 32-941, 32-945, 32-1502, and 32-1530, Revised Statutes
10 Cumulative Supplement, 2006, and sections 32-906, 32-914,
11 32-1001, and 32-1002, Revised Statutes Supplement,
12 2007; to provide for voter registration on election
13 day for statewide general elections as prescribed; to
14 change provisions relating to registration and voting;

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1 to harmonize provisions; and to repeal the original

2 sections.

3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 32-101 Sections 32-101 to 32-1551 and sections 11 and 24
4 of this act shall be known and may be cited as the Election Act.

5 Sec. 2. Section 32-107, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 32-107 District shall mean a subdivision of the state
8 or of a county, city, village, or other political subdivision in
9 which all ~~registered voters~~ electors residing within the district
10 are entitled to participate in the election of any one or more
11 candidates or in the determination by election of any question or
12 proposition.

13 Sec. 3. Section 32-108, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 32-108 Election shall mean any statewide or local
16 primary, special, joint, or general election at which ~~registered~~
17 ~~voters~~ electors of the state or the political subdivision holding
18 the election by ballot choose public officials or decide any
19 questions and propositions lawfully submitted to them.

20 Sec. 4. Section 32-114, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-114 Precinct shall mean a defined area established
23 by in accordance with law within which all ~~registered voters~~
24 ~~cast their votes~~ electors vote at one polling place. Precinct
25 may include any ward or other division of territory in any city

1 or village when created and designated by ordinance for election
2 purposes.

3 Sec. 5. Section 32-115, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-115 Registered voter shall mean an elector who has
6 a valid voter registration record ~~on file with~~ in the voter
7 registration register prepared by the election commissioner or
8 county clerk in the county of his or her residence.

9 Sec. 6. Section 32-221, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 32-221 (1) The election commissioner shall appoint
12 precinct and district inspectors, judges of election, and clerks
13 of election to assist the election commissioner in registering
14 voters and conducting elections on election day. In counties with
15 a population of less than three hundred thousand inhabitants,
16 judges and clerks of election and inspectors shall be appointed at
17 least thirty days prior to the statewide primary election, shall
18 hold office for terms of two years or until their successors are
19 appointed and qualified for the next statewide primary election,
20 and shall serve at all elections in the county during their
21 terms of office. In counties with a population of three hundred
22 thousand or more inhabitants, judges and clerks of election shall
23 be appointed at least thirty days prior to the first election for
24 which appointments are necessary and shall serve for at least four
25 elections.

1 (2) Judges and clerks of election may be selected at
2 random from a cross section of the population of the county. All
3 qualified citizens shall have the opportunity to be considered for
4 service. All qualified citizens shall fulfill their obligation to
5 serve as judges or clerks of election as prescribed by the election
6 commissioner. No citizen shall be excluded from service as a result
7 of discrimination based upon race, color, religion, sex, national
8 origin, or economic status. No citizen shall be excluded from
9 service unless excused by reason of ill health or other good and
10 sufficient reason.

11 (3) All persons appointed shall be of good repute and
12 character, be able to read and write the English language, and
13 except as otherwise provided in subsection (5) of section 32-223,
14 be registered voters in the county. No candidate at an election
15 shall be appointed as a judge or clerk of election or inspector
16 for such election other than a candidate for delegate to a county,
17 state, or national political party convention.

18 (4) If a vacancy occurs in the office of judge or clerk
19 of election or inspector, the election commissioner shall fill such
20 vacancy in accordance with section 32-223. If any judge or clerk
21 of election or inspector fails to appear at the hour appointed for
22 the opening of the polls, the remaining officers shall notify the
23 election commissioner, select a registered voter to serve in place
24 of the absent officer if so directed by the election commissioner,
25 and proceed to conduct the election. If the election commissioner

1 finds that a judge or clerk of election or inspector does not
2 possess all the qualifications prescribed in this section or if any
3 judge or clerk of election or inspector is guilty of neglecting the
4 duties of the office or of any official misconduct, the election
5 commissioner shall remove the person and fill the vacancy.

6 Sec. 7. Section 32-302, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 32-302 The office of the election commissioner or county
9 clerk shall remain open during the usual business days of the
10 year for purposes of general registration and revision and for
11 the transaction of the business of the office. Such registration
12 and revision shall be carried on at all times during the regular
13 business hours of the office of the election commissioner or
14 county clerk ending at 6 p.m. on the second Friday preceding any
15 election. The election commissioner or county clerk may, during
16 any of the seven days immediately preceding ~~the~~ such deadline for
17 registration, cause his or her office to be open at times in
18 addition to the hours during which it is required by law to be open
19 in order for electors to register to vote.

20 Sec. 8. Section 32-307, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-307 No materials advocating or advertising any
23 political issue, candidate, or party shall be displayed or
24 distributed within fifty feet of any voter registration site. No
25 alcohol shall be served within fifty feet of any voter registration

1 site. The registration procedure shall be conducted in a neutral
2 manner and shall not be connected with anything unrelated to the
3 object of registering electors except as otherwise provided in
4 sections 32-308 to 32-310 and section 11 of this act.

5 Sec. 9. Section 32-311.01, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 32-311.01 (1) The Secretary of State shall prescribe a
8 registration application which may be used statewide to register
9 to vote and update voter registration records. An applicant may
10 use the application to register to vote or to update his or her
11 voter registration record with changes in his or her personal
12 information or other information related to his or her eligibility
13 to vote. An applicant may submit the application in person, through
14 a personal messenger or personal agent, or by mail. Every election
15 commissioner or county clerk shall accept such an application for
16 registration. If an applicant who is eligible to register to vote
17 submits the application in person at the office of the election
18 commissioner or county clerk, the information from the application
19 shall be entered into the voter registration register in the
20 presence of the applicant if possible.

21 (2) The application shall contain substantially all
22 the information provided in section 32-312 and the following
23 informational statements:

24 (a) An applicant who is unable to sign his or her name
25 may affix his or her mark next to his or her name written on the

1 signature line by some other person;

2 (b) If the application is submitted by mail and the
3 applicant is registering in the state for the first time and has
4 not previously voted within the state, the applicant must submit
5 with the application a copy of a photo identification which is
6 current and valid or a copy of a utility bill, bank statement,
7 government check, paycheck, or other government document that is
8 current and that shows the name and address of the applicant
9 as they appear on the application in order to avoid additional
10 identification requirements when voting for the first time;

11 (c) An applicant may deliver the application to the
12 office of the election commissioner or county clerk in person,
13 through a personal messenger or personal agent, ~~or~~ by mail, or
14 through his or her polling place pursuant to section 11 of this
15 act;

16 (d) To vote at the polling place on election day, the
17 completed application must be:

18 (i) Delivered by the applicant in person to the office
19 of the election commissioner or county clerk on or before the
20 deadline second Friday preceding the election as prescribed in
21 section 32-302;

22 (ii) Delivered by the applicant's personal messenger or
23 personal agent to the office of the election commissioner or county
24 clerk on or before the third Friday before the election; ~~or~~

25 (iii) Postmarked on or before the third Friday before the

1 election if the application is submitted by mail; ~~and~~ or
2 (iv) Delivered by the applicant in person to the polling
3 place on the statewide general election day, subject to provisional
4 voting requirements as described in section 11 of this act; and

5 (e) The election commissioner or county clerk will, upon
6 receipt of the application for registration, send an acknowledgment
7 of registration to the applicant indicating whether the application
8 is proper or not.

9 Sec. 10. Section 32-314, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 32-314 (1) Any person going into another territory or
12 state and registering to vote or voting in that territory or state
13 shall lose his or her eligibility to vote in this state. Any person
14 going into another county of this state and registering to vote or
15 voting in that county shall lose his or her eligibility to vote in
16 the county where he or she was registered.

17 (2) A registered voter who changes his or her residence
18 in one county to a residence address in a different county in the
19 state shall register again or update his or her voter registration
20 record in order to be eligible to vote.

21 (3) A registered voter who changes his or her name or
22 residence within the county and has retained legal residence in
23 the county since the date of his or her last registration shall
24 register again or update his or her voter registration record to
25 avoid additional requirements at the time of voting as provided in

1 sections 32-914 and 32-915 and may be entitled to vote pursuant to
2 section 32-914.01, 32-914.02, or 32-915.

3 (4) A registered voter who wants to change his or her
4 party affiliation for purposes of a primary election shall complete
5 a registration application pursuant to section 32-312.04 and submit
6 it to the election commissioner or county clerk as provided in
7 and prior to the deadline second Friday preceding the election
8 as prescribed by section 32-302 or prior to the deadline for
9 applications mailed as prescribed by section 32-321.

10 Sec. 11. An elector who has not registered to vote in
11 his or her county of residence may register to vote and vote at a
12 statewide general election on election day at his or her polling
13 place as provided in section 24 of this act. The office of the
14 election commissioner or county clerk shall accept and may process
15 such voter registration applications on the day of such election
16 and shall resume general registration and revision on the day after
17 such election.

18 Sec. 12. Section 32-321, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 32-321 (1) Any elector may request a voter registration
21 application from the office of the election commissioner or county
22 clerk. The election commissioner or county clerk shall make
23 registration applications prescribed by the Secretary of State
24 available and may place the applications in public places. The
25 election commissioner or county clerk may require that all unused

1 applications be returned to his or her office and may place
2 reasonable limits on the amount of applications requested.

3 (2) If an elector mails the registration application to
4 the election commissioner or county clerk:

5 (a) (i) The application shall be postmarked on or before
6 the third Friday before the next election; or

7 (ii) The application shall be received not later than
8 the second Tuesday before the next election if the postmark is
9 unreadable; and

10 (b) The application shall be processed by the election
11 office as a proper registration for the voter to be entitled to
12 vote on the day of the next election.

13 (3) If the registration application arrives after the
14 ~~registration deadline,~~ the second Friday preceding any election
15 except as otherwise provided in section 11 of this act, the
16 application shall not be processed until after the election.
17 Written notice shall be given to any applicant whose registration
18 application failed to meet ~~the~~ such registration deadline or was
19 found to be incorrect or incomplete and shall state the specific
20 reason for rejection. If the application is incomplete, the
21 election commissioner or county clerk shall notify the applicant
22 of the failure to provide the required information, including
23 failure to provide identification if required, and provide the
24 applicant with the opportunity to submit an identification document
25 as described in section 32-318.01 prior to the deadline for voter

1 registration or to complete and submit a corrected registration
2 application in a timely manner to allow for the proper registration
3 of the applicant prior to the next election. The notice shall
4 include a statement that the elector can register and vote on
5 election day at a statewide general election at his or her
6 polling place. All postage costs related to returning registration
7 applications to the election commissioner or county clerk shall be
8 paid by the registrant.

9 Sec. 13. Section 32-325, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 32-325 (1) A registration application completed and
12 signed by a registered voter seeking to update his or her voter
13 registration record shall be completed in person at or delivered or
14 mailed to the office of the election commissioner or county clerk.
15 To avoid additional requirements at the polling place pursuant to
16 section 32-914.01, 32-914.02, or 32-915 or section 24 of this act,
17 an application to update a voter registration record must be:

18 (a) Completed or delivered by the applicant in person
19 at the office of the election commissioner or county clerk on
20 or before the deadline second Friday preceding the election as
21 prescribed in section 32-302; or

22 (b) Delivered by a personal messenger or personal agent
23 to the office ~~or~~ mailed so that it is received by the election
24 commissioner or county clerk on or before the deadline prescribed
25 in section 32-321.

1 (2) After verifying the signature on the previous
2 registration of the registered voter, the election commissioner or
3 county clerk shall make the change of name, party affiliation,
4 or address on all pertinent election records. The election
5 commissioner or county clerk shall send an acknowledgment card to
6 the registered voter indicating that the change of registration
7 has been completed and shall include the address of the registered
8 voter's new polling place.

9 Sec. 14. Section 32-807, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 32-807 The election commissioner, county clerk, or city
12 or village clerk shall print and deliver to each precinct or
13 district in the county, city, or village an approximate number
14 of ballots based upon what would appear sufficient at the time
15 the ballots are to be printed. Such totals shall take into
16 consideration election-day voter registration, increases in voter
17 registration, early voting, annexations, changes in boundaries,
18 spoiled ballots, and any other factor that may influence the total
19 number of ballots needed. Additional ballots shall be printed to
20 meet any contingency in order to provide a sufficient number of
21 ballots for each precinct or district in the county, city, or
22 village.

23 Sec. 15. Section 32-813, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-813 (1) The names of all candidates and all proposals

1 to be voted upon at the general election shall be arranged upon
2 the ballot in parts separated from each other by bold lines in
3 the order the offices and proposals are set forth in this section.
4 If any office is not subject to the upcoming election, the office
5 shall be omitted from the ballot and the remaining offices shall
6 move up so that the same relative order is preserved. The order of
7 any offices may be altered to allow for the best utilization of
8 ballot space in order to avoid printing a second ballot when one
9 ballot would be sufficient if an optical-scan ballot is used. All
10 proposals on the ballot shall remain separate from the offices, and
11 the proposals shall follow all offices on the ballot.

12 (2) (a) If the election is in a year in which a President
13 of the United States is to be elected, the names and spaces for
14 voting for candidates for President and Vice President shall be
15 entitled Presidential Ticket in boldface type.

16 (b) The names of candidates for President and Vice
17 President for each political party shall be grouped together, and
18 each group shall be enclosed with brackets with the political party
19 name next to the brackets and one square or oval opposite the names
20 in which the voter indicates his or her choice.

21 (c) The names of candidates for President and Vice
22 President who have successfully petitioned on the ballot for the
23 general election shall be grouped together with the candidates
24 appearing on the same petition being grouped together, and each
25 group shall be enclosed with brackets with the words "By Petition"

1 next to the brackets and one square or oval opposite the names in
2 which the voter indicates his or her choice.

3 (d) Beneath the names of the candidates for President and
4 Vice President certified by the officers of the national political
5 party conventions pursuant to section 32-712 and beneath the names
6 of all candidates for President and Vice President placed on the
7 general election ballot by petition, two write-in lines shall be
8 provided in which the voter may fill in the names of the candidates
9 of his or her choice. The lines shall be enclosed with brackets
10 with one square or oval opposite the names in which the voter
11 indicates his or her choice. The name appearing on the top line
12 shall be considered to be the candidate for President, and the
13 name appearing on the second line shall be considered to be the
14 candidate for Vice President.

15 (3) The names and spaces for voting for candidates for
16 United States Senator if any are to be elected shall be entitled
17 United States Senatorial Ticket in boldface type.

18 (4) The names and spaces for voting for candidates for
19 Representatives in Congress shall be entitled Congressional Ticket
20 in boldface type. Above the candidates' names, the office shall be
21 designated For Representative in Congress District.

22 (5) The names and spaces for voting for candidates for
23 the various state officers shall be entitled State Ticket in
24 boldface type. Each set of candidates shall be separated by lines
25 across the column, and above each set of candidates shall be

1 designated the office for which they are candidates, arranged in
2 the order prescribed by the Secretary of State. The candidates
3 for Governor of each political party receiving the highest number
4 of votes in the primary election shall be grouped together with
5 their respective candidates for Lieutenant Governor. Each group
6 shall be enclosed with brackets with the political party name
7 next to the brackets and one square or oval opposite the names
8 in which the voter indicates his or her choice for Governor
9 and Lieutenant Governor jointly. The candidates for Governor and
10 Lieutenant Governor who have successfully petitioned on the general
11 election ballot shall be grouped together with the candidates
12 appearing on the same petition being grouped together. Each group
13 shall be enclosed with brackets with the words "By Petition" next
14 to the brackets and one square or oval opposite the names in which
15 the voter indicates his or her choice for Governor and Lieutenant
16 Governor jointly. Beneath the names of the candidates for Governor
17 nominated at a primary election by political party and their
18 respective candidates for Lieutenant Governor and beneath the names
19 of all candidates for Governor and Lieutenant Governor placed on
20 the general election ballot by petition, one write-in line shall be
21 provided in which the ~~registered~~ voter may fill in the name of the
22 candidate for Governor of his or her choice and one square or oval
23 opposite the line in which the voter indicates his or her choice
24 for Governor.

25 (6) The names and spaces for voting for nonpartisan

1 candidates shall be entitled Nonpartisan Ticket in boldface type.
2 The names of all nonpartisan candidates shall appear in the order
3 listed in this subsection, except that when using an optical-scan
4 ballot, the order of offices may be altered to allow for the best
5 utilization of ballot space to avoid printing a second ballot when
6 one ballot would be sufficient:

- 7 (a) Legislature;
- 8 (b) State Board of Education;
- 9 (c) Board of Regents of the University of Nebraska;
- 10 (d) Chief Justice of the Supreme Court;
- 11 (e) Judge of the Supreme Court;
- 12 (f) Judge of the Court of Appeals;
- 13 (g) Judge of the Nebraska Workers' Compensation Court;
- 14 (h) Judge of the District Court;
- 15 (i) Judge of the Separate Juvenile Court;
- 16 (j) Judge of the County Court; and
- 17 (k) County officers in the order prescribed by the
18 election commissioner or county clerk.

19 (7) The names and spaces for voting for the various
20 county offices and for measures submitted to the county vote only
21 or in only a part of the county shall be entitled County Ticket in
22 boldface type. If the election commissioner or county clerk deems
23 it advisable, the measures may be submitted on a separate ballot if
24 using a paper ballot or on either side of an optical-scan ballot if
25 the ballot is placed in a ballot envelope or sleeve before being

1 deposited in a ballot box.

2 (8) The candidates for office in the precinct only or
3 in the city or village only shall be printed on the ballot,
4 except that if the election commissioner or county clerk deems
5 it advisable, candidates for these offices may be submitted on a
6 separate ballot if using a paper ballot or on either side of an
7 optical-scan ballot if the ballot is placed in a ballot envelope or
8 sleeve before being deposited in a ballot box.

9 (9) All proposals submitted by initiative or referendum
10 and proposals for constitutional amendments shall be placed on a
11 separate ballot when a paper ballot is used which requires that
12 the ballot after being voted be folded before being deposited in
13 a ballot box. When an optical-scan ballot is used which requires
14 a ballot envelope or sleeve in which the ballot after being voted
15 is placed before being deposited in a ballot box, initiative or
16 referendum proposals and proposals for constitutional amendments
17 may be placed on either side of the ballot, shall be separated
18 by a bold line, and shall follow all other offices placed on the
19 same side of the ballot. Initiative or referendum proposals and
20 constitutional amendments so arranged shall constitute a separate
21 ballot. Proposals for constitutional amendments proposed by the
22 Legislature shall be placed on the ballot as provided in sections
23 49-201 to 49-211.

24 Sec. 16. Section 32-816, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 32-816 (1) A blank space shall be provided at the end
2 of each office division on the ballot for ~~registered~~ voters to
3 fill in the name of any person for whom they wish to vote
4 and whose name is not printed upon the ballot, except that (a)
5 at the primary election there shall be no write-in space for
6 delegates to the county political party convention, delegates
7 to the national political party convention, directors of natural
8 resources districts, or directors of public power districts and
9 (b) at the general election there shall be no write-in space
10 for directors of reclamation districts, members of the board
11 of educational service units, directors of natural resources
12 districts, directors of public power districts, or members of
13 county weed district boards. A square or oval shall be printed
14 opposite each write-in space similar to the square or oval placed
15 opposite other candidates and issues on the ballot. The square or
16 oval shall be marked to vote for a write-in candidate whose name
17 appears in the write-in space provided.

18 (2) The Secretary of State shall approve write-in space
19 for optical-scan ballots and electronic voting systems. Adequate
20 provision shall be made for write-in votes sufficient to allow one
21 write-in space for each office to be elected at any election except
22 offices for which write-in votes are specifically prohibited. The
23 write-in ballot shall clearly identify the office for which such
24 write-in vote is cast. The write-in space shall be a part of the
25 official ballot, may be on the envelope or a separate piece of

1 paper from the printed portion of the ballot, and shall allow the
2 voter adequate space to fill in the name of the candidate for whom
3 he or she desires to cast his or her ballot.

4 Sec. 17. Section 32-901, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 32-901 (1) To vote for a candidate or on a ballot
7 question using a paper ballot that is to be manually counted, the
8 ~~registered~~ voter shall make a cross or other clear, discernable
9 mark in the square opposite the name of every candidate, including
10 write-in candidates, for whom he or she desires to vote and, in the
11 case of a ballot question, opposite the answer he or she wishes to
12 give. Making a cross or other clear, discernable mark in the square
13 constitutes a valid vote.

14 (2) To vote for a candidate or on a ballot question using
15 a ballot that is to be counted by optical scanner, the ~~registered~~
16 voter shall fill in the oval or other space provided opposite the
17 name of every candidate, including write-in candidates, for whom
18 he or she desires to vote and, in the case of a ballot question,
19 opposite the answer he or she wishes to give. A mark in the oval
20 or provided space that is discernable by the scanner constitutes a
21 valid vote.

22 (3) To vote for a candidate or on a ballot question using
23 an electronic voting system, the ~~registered~~ voter shall follow
24 the instructions for using the electronic voting system to cause
25 a mark to be recorded opposite the candidate or ballot question

1 response for which the voter wishes to vote. Causing such mark to
2 be recorded constitutes a valid vote.

3 Sec. 18. Section 32-902, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 32-902 (1) The election commissioner or county clerk
6 shall cause instructions for the guidance of ~~registered~~ voters in
7 preparing their ballots to be printed in large, clear type on
8 cards in English. He or she shall furnish at least five such cards
9 to each polling place in each precinct at the same time and in
10 the same manner as the printed ballots. The judges or clerks of
11 election shall post such cards in each voting booth on the day of
12 election. The card shall contain full instructions on preparing and
13 casting ballots, including how to cast a write-in vote. The form
14 and contents of the cards shall be approved by the Secretary of
15 State.

16 (2) The election commissioner or county clerk shall cause
17 voting information to be posted in each polling place on the day
18 of election. The voting information shall include the following
19 information as approved by the Secretary of State:

20 (a) Information regarding the date of the election and
21 the hours during which polling places will be open;

22 (b) Instructions for voters who registered to vote by
23 mail and first-time voters;

24 (c) Instructions for voters registering to vote on
25 election day at a statewide general election;

1 ~~(e)~~ (d) General information on voting rights under
2 applicable federal and state laws, including information on
3 the right of an individual to cast a provisional ballot and
4 instructions on how to contact the appropriate officials if these
5 rights are alleged to have been violated; and

6 ~~(d)~~ (e) General information on federal and state laws
7 regarding prohibitions on acts of fraud and misrepresentation.

8 Sec. 19. Section 32-906, Revised Statutes Supplement,
9 2007, is amended to read:

10 32-906 (1) The election commissioner or county clerk
11 shall provide each polling place with ballot boxes, ballot box
12 locks and keys, and a sufficient number of voting booths furnished
13 with supplies and conveniences to enable each ~~registered~~ voter to
14 prepare his or her ballot for voting and to secretly mark his or
15 her ballot. One voting booth shall be provided for approximately
16 every one hundred registered voters in the precinct. The election
17 commissioner or county clerk may increase or decrease the number
18 of voting booths to accommodate the expected voter turnout of any
19 election other than a statewide election.

20 (2) When there is no structure within the precinct
21 suitable for use as a polling place, the election commissioner or
22 county clerk may designate a polling place outside the precinct
23 and convenient thereto which shall be provided with voting booths
24 furnished with supplies and conveniences as are other polling
25 places.

1 (3) Standards for polling places shall include any
2 applicable standards developed under sections 81-5,147 and
3 81-5,148.

4 Sec. 20. Section 32-907, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 32-907 All polling places shall be accessible to
7 all ~~registered~~ voters and shall be in compliance with the
8 federal Americans with Disabilities Act of 1990, as amended. All
9 polling places shall be modified or relocated to architecturally
10 barrier-free buildings to provide unobstructed access to such
11 polling places by people with physical limitations. At least one
12 voting booth shall be so constructed as to provide easy access for
13 people with limitations and shall accommodate a wheelchair. The
14 modifications required by this section may be of a temporary nature
15 to provide such unobstructed access only on election day.

16 Sec. 21. Section 32-910, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 32-910 Any judge or clerk of election, precinct or
19 district inspector, sheriff, or other peace officer shall clear
20 the passageways and prevent obstruction of the doors or entries
21 and provide free ingress to and egress from the polling place or
22 building and shall arrest any person obstructing such passageways.
23 Other than a ~~registered~~ voter engaged in receiving, preparing,
24 or marking a ballot, an election commissioner, a county clerk, a
25 precinct inspector, a district inspector, a judge of election, a

1 clerk of election, or a member of a counting board, no person shall
2 be permitted to be within eight feet of the ballot boxes or within
3 eight feet of any ballots being counted by a counting board.

4 Sec. 22. Section 32-914, Revised Statutes Supplement,
5 2007, is amended to read:

6 32-914 (1) Official ballots shall be used at all
7 elections. No person shall receive a ballot or be entitled to
8 vote unless and until he or she is registered as a voter except
9 as provided in section 32-914.01, 32-914.02, 32-915, 32-915.01, or
10 32-936 or section 24 of this act.

11 (2) Except as otherwise specifically provided, no ballot
12 shall be handed to any voter at any election until:

13 (a) He or she announces his or her name and address to
14 the clerk of election;

15 (b) The clerk has found that he or she is a registered
16 voter at the address as shown by the precinct list of registered
17 voters unless otherwise entitled to vote in the precinct under
18 section 32-328, 32-914.01, 32-914.02, 32-915, or 32-915.01 or
19 section 24 of this act;

20 (c) The voter has presented a photographic identification
21 which is current and valid at the time of the election, or a
22 copy of a utility bill, bank statement, paycheck, government check,
23 or other government document which is current at the time of the
24 election and which shows the same name and residence address of
25 the voter that is on the precinct list of registered voters, if

1 the voter registered by mail after January 1, 2003, and has not
2 previously voted in an election for a federal office within the
3 county and a notation appears on the precinct list of registered
4 voters that the voter has not previously presented identification
5 to the election commissioner or county clerk;

6 (d) As instructed by the clerk of election, the
7 ~~registered~~ voter has personally written his or her name (i) in the
8 precinct sign-in register on the appropriate line which follows
9 the last signature of any previous voter or (ii) in the combined
10 document containing the precinct list of registered voters and the
11 sign-in register; and

12 (e) The clerk has listed on the precinct list of
13 registered voters the corresponding line number and name of the
14 ~~registered~~ voter or has listed the name of the voter in a separate
15 book as provided in section 32-913.

16 Sec. 23. Section 32-915, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 32-915 (1) A person who is a registered voter in the
19 precinct in which he or she resides and whose name does not appear
20 on the precinct list of registered voters at the polling place for
21 the precinct in which he or she resides or whose name appears with
22 a notation that he or she received a ballot for early voting may
23 vote a provisional ballot if he or she:

24 (a) Claims that he or she is a registered voter who has
25 continuously resided in the county in which the precinct is located

1 since registering to vote;

2 (b) Is not entitled to vote under section 32-914.01 or
3 32-914.02;

4 (c) Has not registered to vote or voted in any other
5 county since registering to vote in the county in which the
6 precinct is located;

7 (d) Has appeared to vote at the polling place for the
8 precinct to which the person would be assigned based on his or her
9 residence address; and

10 (e) Completes and signs a registration application before
11 voting.

12 (2) A voter whose name appears on the precinct list
13 of registered voters for the polling place with a notation
14 that the voter is required to present identification pursuant
15 to section 32-318.01 but fails to present identification may vote a
16 provisional ballot if he or she completes and signs a registration
17 application before voting.

18 (3) Each person voting by provisional ballot shall
19 enclose his or her ballot in an envelope marked Provisional
20 Ballot and shall, by signing the certification on the front of the
21 envelope or a separate form attached to the envelope, certify to
22 the following facts:

23 (a) I am a registered voter in County;

24 (b) My name did not appear on the precinct list of
25 registered voters;

1 (c) I registered to vote on or about this date
2

3 (d) I registered to vote
4 in person at the election office or a voter
5 registration site,
6 by mail,
7 on a form through the Department of Motor Vehicles,
8 on a form through another state agency,
9 in some other way;

10 (e) I have not resided outside of this county or voted
11 outside of this county since registering to vote in this county;

12 (f) My current address is shown on the registration
13 application completed as a requirement for voting by provisional
14 ballot; and

15 (g) I am eligible to vote in this election and I have not
16 voted and will not vote in this election except by this ballot.

17 (4) The voter shall sign the certification under penalty
18 of election falsification. The following statements shall be on
19 the front of the envelope or on the attached form: By signing the
20 front of this envelope or the attached form you are certifying to
21 the information contained on this envelope or the attached form
22 under penalty of election falsification. Election falsification
23 is a Class IV felony and may be punished by up to five years
24 imprisonment, a fine of up to ten thousand dollars, or both.

25 (5) If the person's name does not appear on the precinct

1 list of registered voters for the polling place and the judge or
2 clerk of election determines that the person's residence address is
3 located in another precinct within the same county, the judge or
4 clerk of election shall direct the person to his or her correct
5 polling place to vote.

6 Sec. 24. (1) If an elector is not registered to vote in
7 the county of his or her residence, he or she is entitled to vote
8 on election day at a statewide general election upon completing and
9 signing a voter registration application as provided in section 11
10 of this act at the polling place for his or her place of residence.
11 If the statewide general election is conducted by mail as provided
12 in section 32-960, the person shall register to vote and vote at
13 the office of the election commissioner or county clerk.

14 (2) The elector shall enclose his or her ballot in
15 an envelope marked Provisional Ballot and shall, by signing the
16 certification on the front of the envelope or a separate form
17 attached to the envelope, certify to the following facts:

18 (a) I am a resident of but not a registered voter in
19 County;

20 (b) I registered to vote today for the first time since
21 taking up residency in this county;

22 (c) My current address is shown on the registration
23 application completed as a requirement for voting by provisional
24 ballot; and

25 (d) I am eligible to vote in this election and I have not

1 voted and will not vote in this election except by this ballot.

2 (3) The voter shall sign the certification under penalty
3 of election falsification. The following statements shall be on
4 the front of the envelope or on the attached form: By signing the
5 front of this envelope or the attached form you are certifying to
6 the information contained on this envelope or the attached form
7 under penalty of election falsification. Election falsification
8 is a Class IV felony and may be punished by up to five years
9 imprisonment, a fine of up to ten thousand dollars, or both.

10 Sec. 25. Section 32-916, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 32-916 (1) Two judges of election or a precinct inspector
13 and a judge of election shall affix their initials to the official
14 ballots. The judge of election shall deliver a ballot to each
15 ~~registered~~ voter after complying with section 32-914.

16 (2) After voting the ballot, the ~~registered~~ voter shall,
17 as directed by the judge of election, fold his or her ballot or
18 place the ballot in the ballot envelope or sleeve so as to conceal
19 the voting marks and to expose the initials affixed on the ballot.
20 The ~~registered~~ voter shall, without delay and without exposing the
21 voting marks upon the ballot, deliver the ballot to the judge of
22 election before leaving the enclosure in which the voting booths
23 are placed.

24 (3) The judge of election shall, without exposing the
25 voting marks on the ballot, approve the exposed initials upon the

1 ballot and deposit the ballot in the ballot box in the presence of
2 the ~~registered~~ voter. No judge of election shall deposit any ballot
3 in a ballot box unless the ballot has been identified as having the
4 appropriate initials. Any ballot not properly identified shall be
5 rejected in the presence of the voter, the judge of election shall
6 make a notation on the ballot Rejected, not properly identified,
7 and another ballot shall be issued to the voter and the voter shall
8 then be permitted to cast his or her ballot. If the ballot is in
9 order, the judge shall deposit the ballot in the ballot box in
10 the presence of the voter and the voter shall promptly leave the
11 polling place. The judges of election shall maintain the secrecy
12 of the rejected ballots and shall cause the rejected ballots to be
13 made up in a sealed packet. The judges of election shall endorse
14 the packet with the words Rejected Ballots and the designation of
15 the precinct. The judges of election shall sign the endorsement
16 label and shall return the packet to the election commissioner or
17 county clerk with a statement by the judges of election showing the
18 number of ballots rejected.

19 (4) Upon receiving a provisional ballot as provided in
20 section 32-915 or section 24 of this act, the judge of election
21 shall give the voter written information that states that the
22 voter may determine if his or her vote was counted and, if not,
23 the reason that the vote was not counted by accessing the system
24 created pursuant to section 32-202 and the judge of election
25 shall ensure that the appropriate information is on the outside

1 of the envelope in which the ballot is enclosed or attached to
2 the envelope, attach the statement required by section 32-915 if
3 not contained on the envelope, and place the entire envelope into
4 the ballot box. Upon receiving a provisional ballot as provided
5 in section 32-915.01, the judge of election shall comply with the
6 requirements for a provisional ballot under this subsection, except
7 that a provisional ballot cast pursuant to section 32-915.01 or
8 section 24 of this act shall be kept separate from the other
9 ballots cast at the election.

10 Sec. 26. Section 32-917, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 32-917 Any ~~registered~~ voter who spoils his or her ballot
13 may receive another ballot after returning the spoiled ballot. No
14 ~~registered~~ voter shall receive more than four ballots in all. The
15 ~~registered~~ voter shall write invalid or void on the spoiled ballot
16 and return it to the judges of election. The judges of election
17 shall maintain the secrecy of the spoiled ballots and shall cause
18 the spoiled ballots to be made up in a sealed packet. The judges
19 of election shall endorse the packet with the words Spoiled Ballots
20 and the designation of the precinct. The judges of election shall
21 sign such endorsement label and shall return the packet to the
22 election commissioner or county clerk with a statement by the
23 judges of election showing the number of ballots spoiled.

24 Sec. 27. Section 32-918, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 32-918 (1) If a ~~registered~~ voter declares to the judge
2 of election that he or she cannot read or that he or she suffers
3 blindness or other physical disability or handicap such that the
4 ~~registered~~ voter requires assistance in the marking of his or her
5 ballot, (a) the ~~registered~~ voter may be assisted in marking his
6 or her ballot by a relative or friend of his or her selection
7 or (b) one judge of election and one clerk of election of
8 different political parties may take the ballot or ballots from the
9 polling place to a convenient place within the building or to the
10 ~~registered~~ voter's automobile if the automobile is within one block
11 of the polling place and the disabled or handicapped person may
12 cast his or her ballot in the general presence of the judge and
13 clerk. If a ~~registered~~ voter declares to the judge of election that
14 he or she needs assistance in the operation of a voting device, a
15 judge or clerk of election may assist the voter in operating the
16 device.

17 (2) The judge and clerk shall give no information
18 regarding the casting of the ballot. Any ~~registered~~ voter receiving
19 assistance in voting the ballot from a judge and clerk shall
20 declare to the judge and clerk the name of the candidates and
21 the measures for which he or she desires to vote, and the
22 judge and clerk shall cast his or her ballot only as he or she
23 so requests. No person other than the ~~registered~~ voter who is
24 receiving assistance shall divulge to anyone within the polling
25 place the name of any candidate for whom he or she intends to

1 vote or ask or receive assistance within the polling place in the
2 preparation of his or her ballot.

3 (3) The judges of election shall enter Assistance
4 Rendered upon the precinct sign-in register near the name of any
5 ~~registered~~ voter who receives such assistance in casting his or
6 her ballot and shall include the name of such person rendering
7 assistance to the ~~registered~~ voter. The person rendering assistance
8 shall sign an oath before a judge of election substantially as
9 follows:, hereby swears that he or she is a friend
10 or relative of, a disabled ~~registered~~ voter who
11 requested assistance in casting the ballot, that he or she did
12 enter the voting booth or aid such voter outside of the voting
13 booth and marked the ballot according to the intentions and desires
14 of the ~~registered~~ voter, that he or she has kept the ballot at
15 all times in his or her possession, and that the ballot was duly
16 delivered to the judge of election on this day of
17 20.... .

18 Sec. 28. Section 32-919, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 32-919 Every ~~registered~~ voter receiving a ballot shall,
21 before leaving the polling room, vote or, if he or she does not
22 wish to vote, return all ballots so received to be deposited into
23 the ballot box by a member of the receiving board. No person
24 receiving a ballot shall take the same from the polling room except
25 as authorized in the Election Act. No person shall remove any

1 ballot from the polling room before the closing of the polls except
2 as otherwise authorized under the Election Act. Any person taking
3 a ballot from the polling room in violation of this section shall
4 forfeit and lose his or her right to vote at the election. If
5 an inspector or a judge or clerk of election observes a person
6 about to violate this section, the inspector, judge, or clerk shall
7 inform the person of the penalties provided in this section and
8 section 32-1535.

9 Sec. 29. Section 32-920, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 32-920 A ~~registered~~ voter may take with him or her into
12 the polling place any printed or written memorandum or paper to
13 assist him or her in preparing or marking the ballot.

14 Sec. 30. Section 32-921, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 32-921 Except as provided in subsection (1) of section
17 32-918, no ~~registered~~ voter shall be allowed to occupy a voting
18 booth occupied by another. A ~~registered~~ voter shall not remain
19 within the enclosure in which the voting booths are situated more
20 than twenty minutes unless he or she is in line waiting to vote or
21 voting. A ~~registered~~ voter shall not occupy a voting booth for more
22 than ten minutes.

23 Sec. 31. Section 32-922, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-922 Any ~~registered voter~~ elector who does not have two

1 consecutive hours in the period between the time of the opening and
2 closing of the polls during which he or she is not required to be
3 present at work for an employer shall be entitled on election day
4 to be absent from employment for such a period of time as will in
5 addition to his or her nonworking time total two consecutive hours
6 between the time of the opening and closing of the polls. If the
7 ~~registered voter~~ employee applies for such leave of absence prior
8 to or on election day, the ~~registered voter~~ employee shall not be
9 liable for any penalty and no deduction shall be made from his or
10 her salary or wages on account of such absence. The employer may
11 specify the hours during which the employee may be absent.

12 Sec. 32. Section 32-923, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 32-923 ~~Registered voters~~ Electors shall in all cases,
15 except treason, felony, or breach of the peace, be privileged
16 from arrest during the attendance at elections and while going to
17 and returning from the same. No ~~registered voter~~ elector shall be
18 obliged to do military duty on election day except in time of war
19 and public danger.

20 Sec. 33. Section 32-925, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-925 If any person conducts himself or herself in a
23 noisy, riotous, or tumultuous manner at or about the polls so as to
24 disturb the election or insults or abuses the precinct or district
25 inspectors or judges or clerks of election and persists in such

1 conduct after being warned to desist, any election commissioner,
2 county clerk, inspector, judge of election, police officer, or
3 sheriff shall arrest him or her without warrant and bring him or
4 her before the county court. Such person shall be permitted to vote
5 if he or she is a ~~registered voter~~, an elector.

6 Sec. 34. Section 32-927, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 32-927 If any person offering to vote is challenged by
9 an inspector, judge or clerk of election, or registered voter,
10 the person shall, in the presence of an inspector or a judge of
11 election, affix his or her signature and print his or her name and
12 address on the following oath: I do solemnly swear that I will
13 fully and truly answer all such questions put to me related to
14 my place of residence and qualifications as a ~~registered voter~~ an
15 elector at this election. The inspector or judge of election shall
16 require the ~~registered voter~~ elector to comply with sections 32-928
17 to 32-930 as applicable and shall ask any other questions to the
18 person challenged as necessary to test his or her qualifications as
19 a ~~registered voter~~ an elector at that election.

20 Sec. 35. Section 32-929, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 32-929 If a person is challenged on the ground that
23 he or she is not a resident of this state, the county, or the
24 precinct, the person shall answer the following questions on the
25 form provided by the election commissioner or county clerk:

1 Do you have a residence in this state: Yes or No?

2 Do you have a residence in this county: Yes or No?

3 Do you have a residence in this precinct: Yes or No?

4 If a person has moved from one residence to another
 5 within the precinct in which he or she is registered to vote, such
 6 voter shall be entitled to vote as provided in section 32-914.02.
 7 If a person has moved from one residence to another within the
 8 county in which he or she is registered to vote, such voter shall
 9 be entitled to vote a provisional ballot as provided in section
 10 32-915. If a person has moved from a residence outside of the
 11 county in which he or she resides and has not registered to vote in
 12 such county, such person shall be entitled to register and vote as
 13 provided in section 32-933 or section 24 of this act.

14 Sec. 36. Section 32-933, Reissue Revised Statutes of
 15 Nebraska, is amended to read:

16 32-933 (1) Any person listed in this subsection shall be
 17 eligible as a new resident to vote ~~for President and Vice President~~
 18 ~~of the United States at the statewide general election; but for no~~
 19 ~~other offices;~~

20 (a) Any citizen of the United States who is at least
 21 the constitutionally prescribed age of a voter and who comes into
 22 Nebraska after the voter registration period is closed pursuant to
 23 section 32-302 for the purpose of making Nebraska his or her place
 24 of residence; and

25 (b) Any registered voter who moves from one county

1 to another county within Nebraska after the close of the voter
2 registration period.

3 (2) Any registered voter who moves from Nebraska to
4 another state or to the District of Columbia for the purpose of
5 making such new location his or her place of residence after the
6 close of the voter registration period for such location shall
7 be eligible as a former resident to vote for President and Vice
8 President of the United States at the statewide general election
9 but for no other offices.

10 (3) Any person described in subsection (1) of this
11 section shall cast his or her ballot in the office of the election
12 commissioner or county clerk at any time between the close of the
13 voter registration period and the close of ~~the polls on~~ business
14 on the day prior to election day. ~~Such ballots shall be available~~
15 ~~after the close of the voter registration period.~~ Ballots for
16 former residents under subsection (2) of this section shall be
17 available thirty-five days prior to the election. ~~The ballots and~~
18 may be (a) voted in the office of the election commissioner or
19 county clerk at any time between thirty-five days prior to the
20 election and the close of the polls on election day, ~~or the ballots~~
21 ~~may be~~ (b) mailed to the office and counted if they arrive before
22 the close of the polls on election day.

23 Sec. 37. Section 32-934, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-934 Any person who desires to vote pursuant to section

1 32-933 shall execute an affidavit in duplicate substantially as
2 follows:

3 I,, do solemnly swear that:

4 1. I am a citizen of the United States.

5 2. Before moving, I resided at the following address
6 (describing it by street and number if in a city or village and by
7 section, township, and range if outside of a city or village, and
8 the precinct, city, county, and state in which such residence is
9 located):

10

11

12 3. On the day of the next presidential election, I will
13 be at least the constitutionally prescribed age of a voter and I
14 reside at the following address:

15

16

17 4. I am unable to vote ~~for~~ all offices because the voter
18 registration deadline has passed and, ~~under the Election Act,~~ I
19 believe I am entitled to vote for the candidates for President
20 and Vice President of the United States I am unable to go to the
21 polling place and register and vote at the election to be held
22 November, 20.... .

23 5. I hereby make application for a presidential and
24 vice-presidential ballot or a statewide election ballot, as
25 applicable. I have not voted and will not vote otherwise than by

1 this ballot ~~for President and Vice President.~~ at this election.

2 Sec. 38. Section 32-936, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 32-936 If satisfied that the application is proper and
5 that the applicant is qualified to vote under section 32-933,
6 the election commissioner or county clerk shall deliver to the
7 applicant a ballot for President and Vice President of the United
8 States- or the statewide general election, as applicable. After
9 voting the ballot, the voter shall securely seal the ballot in
10 an envelope furnished by the election commissioner or county
11 clerk. On the back of the envelope shall be imprinted a statement
12 substantially as follows:

13 Certification of New (or Former) Resident Voter

14 I have qualified as a new (or former) resident voter in
15 this state or county. I have not applied nor do I intend to apply
16 for a ballot for early voting from the state, county in Nebraska,
17 or District of Columbia from which I have moved. I have not voted
18 and I will not vote at this election otherwise than by this ballot.

19 The voter shall sign and date the certification upon the
20 envelope. The election commissioner or county clerk shall keep the
21 envelope in his or her office until delivered by him or her to the
22 counting board under section 32-1027.

23 Sec. 39. Section 32-937, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 32-937 The election commissioner or county clerk shall

1 keep open to public inspection a list of all persons voting in
2 the county as new or former residents which shows their names,
3 addresses, and application dates. The election commissioner or
4 county clerk shall record the name of any person voting pursuant
5 to section 32-933 in the list of voters book with a notation
6 designating him or her as a new or former resident voting ~~for~~
7 ~~President and Vice President of the United States only.~~ at the
8 statewide general election.

9 Sec. 40. Section 32-938, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 32-938 (1) A registered voter shall be permitted to vote
12 early by requesting a ballot for early voting pursuant to section
13 32-941 or 32-943.

14 (2) Any person excluded from voting under section 32-313
15 or 32-314 shall not be allowed to receive a ballot for early
16 voting.

17 (3) Any person who fails to register to vote by the
18 voter registration deadline shall not be allowed to vote except as
19 provided in section 32-940 or 32-941 or section 24 of this act.

20 Sec. 41. Section 32-940, Revised Statutes Cumulative
21 Supplement, 2006, is amended to read:

22 32-940 Any person employed in federal service whose
23 status has been terminated by discharge from the armed forces or
24 by separation from employment outside the territorial limits of the
25 United States who was unable to register to vote may (1) register

1 to vote and vote on election day at a statewide general election as
2 provided in section 11 of this act or (2) register to vote after
3 the voter registration deadline by completing the necessary voter
4 registration application in the office of the election commissioner
5 or county clerk of the county of his or her residence no later than
6 noon of the day before the election. ~~After completing the voter~~
7 ~~registration application, such person shall then be allowed to vote~~
8 and then vote in the election office.

9 Sec. 42. Section 32-941, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 32-941 Any registered voter permitted to vote early
12 pursuant to section 32-938 may, not more than one hundred twenty
13 days before any election and not later than 4 p.m. on the Wednesday
14 preceding the election, request a ballot for the election to be
15 mailed to a specific address. A registered voter shall request
16 a ballot in writing to the election commissioner or county clerk
17 in the county where the registered voter has established his or
18 her home and shall indicate his or her residence address, the
19 address to which the ballot is to be mailed if different, and
20 his or her political party, telephone number if available, and
21 precinct if known. The registered voter may use the form published
22 by the election commissioner or county clerk pursuant to section
23 32-808. The registered voter shall sign the request. A registered
24 voter may use a facsimile machine for the submission of a request
25 for a ballot. The election commissioner or county clerk shall

1 include a registration application with the ballots if the person
2 is not registered. Registration applications shall not be issued
3 or mailed after the second Friday preceding the election, but a
4 notice shall be sent to the person prior to a statewide general
5 election stating that he or she may register and vote on election
6 day under section 11 of this act. If the person is not registered
7 to vote, the registration application shall be returned not later
8 than the closing of the polls on the day of the election. No ballot
9 issued under this section shall be counted unless such registration
10 application is properly completed and processed.

11 Sec. 43. Section 32-945, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 32-945 When a request for a ballot from a person who
14 is not registered to vote in the county reaches the election
15 commissioner or county clerk by mail, by facsimile transmission,
16 or by means other than by application in person on or prior to
17 the third Friday preceding the election, the election commissioner
18 or county clerk shall mail to the applicant the registration
19 application with the ballot. No ballot shall be sent by mail to
20 any person after the third Friday preceding the election if such
21 person is not a registered voter, but a notice shall be sent to
22 the person prior to a statewide general election stating that he
23 or she may register and vote on election day under section 11
24 of this act. When an application for a ballot from a person who
25 is registered in the county reaches the county clerk or election

1 commissioner by mail, facsimile transmission, or other means than
2 by application in person and the application indicates that the
3 applicant has changed his or her residence within the county, the
4 county clerk or election commissioner shall change the address on
5 the applicant's voter registration and mail to such applicant an
6 acknowledgment of change of registration and the ballot as provided
7 by section 32-947.

8 Sec. 44. Section 32-1001, Revised Statutes Supplement,
9 2007, is amended to read:

10 32-1001 After the polls have closed, the precinct list of
11 registered voters and the precinct sign-in register shall be signed
12 by all members of the receiving board, the names of the ~~registered~~
13 voters shall be counted, and the number shall be recorded where
14 designated on the list and the register. If a line is missed or a
15 name is voided, the receiving board shall subtract such omissions
16 or voids from the total before recording the total on the list
17 and the register. The receiving board shall certify to all matters
18 pertaining to casting of ballots and shall turn over the ballots,
19 ballot boxes, precinct list of registered voters, and precinct
20 sign-in register to the election commissioner or county clerk.

21 Sec. 45. Section 32-1002, Revised Statutes Supplement,
22 2007, is amended to read:

23 32-1002 (1) As the ballots are removed from the ballot
24 box pursuant to sections 32-1012 to 32-1018, the receiving board
25 shall separate the envelopes containing the provisional ballots

1 from the rest of the ballots and deliver them to the election
2 commissioner or county clerk.

3 (2) Upon receipt of a provisional ballot, the election
4 commissioner or county clerk shall verify that the certificate on
5 the front of the envelope or the form attached to the envelope is
6 in proper form and that the certification has been signed by the
7 voter.

8 (3) The election commissioner or county clerk shall
9 also (a) verify that such person has not voted anywhere else
10 in the county or been issued a ballot for early voting, (b)
11 investigate whether any credible evidence exists that the person
12 was properly registered to vote in the county before the deadline
13 for registration for the election, (c) investigate whether any
14 information has been received pursuant to section 32-309, 32-310,
15 or 32-324 that the person has resided, registered, or voted in
16 any other county or state since registering to vote in the county,
17 ~~and~~ (d) upon determining that credible evidence exists that the
18 person was properly registered to vote in the county, make the
19 appropriate changes to the voter registration register by entering
20 the information contained in the registration application completed
21 by the voter at the time of voting a provisional ballot, and (e)
22 upon determining that credible evidence exists that the person
23 is eligible to register and vote on election day as provided in
24 section 24 of this act, make the appropriate entries in the voter
25 registration register to create a voter registration record for

1 such person based on the information contained in the registration
2 application completed by such person at the time of voting a
3 provisional ballot.

4 (4) A provisional ballot cast by a voter pursuant to
5 section 32-915 shall be counted if:

6 (a) Credible evidence exists that the voter was properly
7 registered in the county before the deadline for registration for
8 the election;

9 (b) The voter has resided in the county continuously
10 since registering to vote in the county;

11 (c) The voter has not voted anywhere else in the county
12 or has not otherwise voted early using a ballot for early voting;

13 (d) The voter has completed a registration application
14 prior to voting and:

15 (i) The residence address provided on the registration
16 application completed pursuant to subdivision (1)(e) of section
17 32-915 is located within the precinct in which the person voted;
18 and

19 (ii) If the voter is voting in a primary election,
20 the party affiliation provided on the registration application
21 completed prior to voting the provisional ballot is the same party
22 affiliation that appears on the voter's voter registration record
23 based on his or her previous registration application; and

24 (e) The certification on the front of the envelope or
25 form attached to the envelope is in the proper form and signed by

1 the voter.

2 (5) A provisional ballot cast by a voter pursuant to
3 section 32-915 shall not be counted if:

4 (a) The voter was not properly registered in the county
5 before the deadline for registration for the election;

6 (b) Information has been received pursuant to section
7 32-309, 32-310, or 32-324 that the voter has resided, registered,
8 or voted in any other county or state since registering to vote in
9 the county in which he or she cast the provisional ballot;

10 (c) Credible evidence exists that the voter has voted
11 elsewhere or has otherwise voted early;

12 (d) The voter failed to complete and sign a registration
13 application pursuant to subdivision (1)(e) of section 32-915;

14 (e) The residence address provided on the registration
15 application completed pursuant to subdivision (1)(e) of section
16 32-915 is in a different county or in a different precinct than the
17 county or precinct in which the voter voted;

18 (f) If the voter is voting in a primary election, the
19 party affiliation on the registration application completed prior
20 to voting the provisional ballot is different than the party
21 affiliation that appears on the voter's voter registration record
22 based on his or her previous registration application; or

23 (g) The voter failed to complete and sign the
24 certification on the envelope or form attached to the envelope
25 pursuant to subsection (3) of section 32-915.

1 (6) A provisional ballot cast by a voter pursuant to
2 section 24 of this act shall be counted if:

3 (a) Credible evidence exists that the voter was not
4 properly registered in the county before the deadline for
5 registration for the election;

6 (b) The voter resides in the county and precinct as
7 evidenced by proper identification;

8 (c) The voter has not voted anywhere else in the county
9 or state or has not otherwise voted early using a ballot for early
10 voting;

11 (d) The voter has completed a registration application
12 prior to voting;

13 (e) The residence address provided on the registration
14 application completed pursuant to section 24 of this act is located
15 within the precinct in which the person voted; and

16 (f) The certification on the front of the envelope or
17 form attached to the envelope is in the proper form and signed by
18 the voter.

19 (7) A provisional ballot cast by a voter pursuant to
20 section 24 of this act shall not be counted if:

21 (a) Information has been received pursuant to section
22 32-309, 32-310, or 32-324 that the voter resides, is registered, or
23 voted in any other county or state simultaneously with registering
24 to vote in the county in which he or she cast the provisional
25 ballot;

1 (b) Credible evidence exists that the voter has voted
2 elsewhere or has otherwise voted early;

3 (c) The voter failed to complete and sign a registration
4 application pursuant to section 24 of this act;

5 (d) The residence address provided on the registration
6 application completed pursuant to section 24 of this act is in
7 a different county or in a different precinct than the county or
8 precinct in which the voter voted; or

9 (e) The voter failed to complete and sign the
10 certification on the envelope or form attached to the envelope
11 pursuant to section 24 of this act.

12 ~~(6)~~ (8) Upon determining that the voter's provisional
13 ballot is eligible to be counted, the election commissioner or
14 county clerk shall remove the ballot from the envelope without
15 exposing the marks on the ballot and shall place the ballot with
16 the ballots to be counted by the county canvassing board.

17 ~~(7)~~ (9) The election commissioner or county clerk shall
18 notify the system administrator of the system created pursuant to
19 section 32-202 as to whether the ballot was counted and, if not,
20 the reason the ballot was not counted.

21 ~~(8)~~ (10) The verification and investigation shall be
22 completed within seven days after the election.

23 Sec. 46. Section 32-1502, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 32-1502 A person shall be guilty of election

1 falsification if, orally or in writing, he or she purposely states
2 a falsehood under oath lawfully administered or in a statement made
3 under penalty of election falsification (1) as to a material matter
4 relating to an election in a proceeding before a court, tribunal,
5 or public official or (2) in a matter in relation to which an oath
6 or statement under penalty of election falsification is authorized
7 by law, including a statement required for verifying or filing a
8 voter registration application, election-day voter registration,
9 provisional voting, or voting early, ~~or~~ a statement required by a
10 ~~new~~ ~~or~~ former resident to enable him or her to vote for President
11 or Vice President of the United States, or a statement required
12 by a new resident to enable him or her to vote in the statewide
13 general election. Any person committing election falsification
14 shall be guilty of a Class IV felony.

15 Sec. 47. Section 32-1503, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 32-1503 Any person who (1) falsely impersonates an
18 elector and registers or attempts or offers to register in the
19 name of such elector, (2) knowingly or fraudulently registers or
20 offers to, attempts to, or makes application to register in or
21 under the name of any other person, in or under any false, assumed,
22 or fictitious name, or in or under any name not his or her own, (3)
23 knowingly or fraudulently registers in two election districts, (4)
24 having registered in one district, fraudulently attempts or offers
25 to register at any other election district in which he or she does

1 not have a lawful right to register, (5) knowingly or willfully
2 does any unlawful act to secure registration for himself or herself
3 or any other person, (6) knowingly, willfully, or fraudulently, by
4 false impersonation or by any unlawful means, causes, procures, or
5 attempts to cause or procure the name of any registered voter in
6 any election precinct to be erased or stricken from any register
7 of the voters of such precinct, (7) by force, threat, menace,
8 intimidation, bribery, reward, offer or promise of reward, or other
9 unlawful means, prevents, hinders, or delays any person having a
10 lawful right to register or to be registered from duly exercising
11 such right, (8) knowingly, willfully, or fraudulently compels,
12 induces, or attempts or offers to compel or induce, by any unlawful
13 means, any deputy registrar to register any person not lawfully
14 entitled to registration ~~in such precinct~~ or to register any false,
15 assumed, or fictitious name or any name of any other person, (9)
16 knowingly, willfully, or fraudulently interferes with, hinders, or
17 delays any deputy registrar in the discharge of his or her duties,
18 (10) counsels, advises, induces, or attempts to induce any deputy
19 registrar to refuse to perform or neglect to comply with his or her
20 duties or to violate any of the provisions of the Election Act, or
21 (11) aids, counsels, procures, or advises any person to do any act
22 forbidden by this section or to omit to do any act by law directed
23 to be done shall be guilty of a Class IV felony.

24 Sec. 48. Section 32-1504, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 32-1504 Any deputy registrar who is guilty of any willful
2 neglect of his or her duty or of any corrupt or fraudulent conduct
3 or practice in the execution of his or her duty or who willfully
4 neglects or, when called upon, willfully declines to exercise the
5 powers conferred on him or her by sections 32-301 to 32-330 and
6 section 11 of this act shall be guilty of a Class IV felony.

7 Sec. 49. Section 32-1508, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 32-1508 Any person who is guilty of willful or corrupt
10 false swearing in taking an oath prescribed by or upon any
11 examination provided for in sections 32-301 to 32-330 and section
12 11 of this act or upon being challenged as unqualified to register
13 to vote shall be guilty of a Class IV felony.

14 Sec. 50. Section 32-1512, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 32-1512 Irregularities or defects in the mode of
17 noticing, convening, holding, or conducting any registration or
18 revision of registration authorized by sections 32-301 to 32-330
19 and section 11 of this act shall not constitute a defense to a
20 prosecution for a violation of any of the provisions of sections
21 32-1503 to 32-1511.

22 Sec. 51. Section 32-1528, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 32-1528 Any person who votes a ballot in any election
25 held for a school district, village, or precinct of a city in this

1 state in which he or she does not actually reside or into which he
2 or she has come for merely temporary purposes shall be guilty of a
3 Class III misdemeanor.

4 Sec. 52. Section 32-1530, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 32-1530 Any person who votes (1) who is not a resident of
7 this state, who is not registered to vote in the county in which
8 he or she voted or did not register to vote in such county as
9 otherwise provided by the Election Act, ~~or registered in the county~~
10 or who at the time of election is not of the constitutionally
11 prescribed age of a registered voter, (2) who is not a citizen of
12 the United States, or (3) after being disqualified by law by reason
13 of his or her conviction of a felony and prior to the end of the
14 two-year period after completing the sentence, including any parole
15 term, shall be guilty of a Class IV felony.

16 Sec. 53. Section 32-1532, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 32-1532 Any person who procures, aids, assists, counsels,
19 or advises another to give his or her vote, knowing that such
20 other person is not a resident of this state ~~or a registered voter~~
21 ~~of the county~~ as required by law at the time of election, is
22 not registered to vote in the county in which such other person
23 would be voting or does not intend to register to vote in such
24 county as otherwise provided by the Election Act, is not of the
25 constitutionally prescribed age of a registered voter, is not a

1 citizen of the United States, or is not duly qualified as a result
2 of any other disability to vote at the place where and the time
3 when the vote is to be given, shall be guilty of a Class IV felony.

4 Sec. 54. Original sections 32-107, 32-108, 32-114,
5 32-115, 32-221, 32-302, 32-307, 32-813, 32-816, 32-902, 32-907,
6 32-910, 32-917, 32-918, 32-919, 32-920, 32-922, 32-923, 32-925,
7 32-927, 32-929, 32-933, 32-934, 32-937, 32-1503, 32-1504, 32-1508,
8 32-1512, 32-1528, and 32-1532, Reissue Revised Statutes of
9 Nebraska, sections 32-101, 32-311.01, 32-314, 32-321, 32-325,
10 32-807, 32-901, 32-915, 32-916, 32-921, 32-936, 32-938, 32-940,
11 32-941, 32-945, 32-1502, and 32-1530, Revised Statutes Cumulative
12 Supplement, 2006, and sections 32-906, 32-914, 32-1001, and
13 32-1002, Revised Statutes Supplement, 2007, are repealed.